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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,111	06/08/2001	R. Shane Green	1948.0010001	8526
26111 7590 07/30/2007 STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C. 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER SWEARINGEN, JEFFREY R	
			ART UNIT 2145	PAPER NUMBER
			MAIL DATE 07/30/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/876,111

Applicant(s)

GREEN ET AL.

Examiner

Jeffrey R. Swearingen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) 1-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/2/2007 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 21-36 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 26-27, and 33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claims 26-27 indicate "at least some" location codes include certain information. It is unclear what breadth Applicant is attempting to claim by using the terminology "at least some". It is impossible to determine the metes and bounds of this claim, as no information about what number constitutes "at least some" location codes is presented in the specification. It is suggested Applicant find alternate wording to convey the intended meaning of the claim.

6. Claim 33 indicates each sub-string is not limited in length. Applicant's claim language allows for an infinitely long sub-string, and it is impossible to ascertain the metes and bounds of this claim based upon the use of "not limited in length." It is suggested Applicant find alternate wording to convey the intended meaning of the claim.

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7. Claim 25 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: the information is "read from a paper map", but it is unclear what steps are taken to read the material from the paper map or how the reading is accomplished, as the paper map is not directly connected to the device.

***Claim Rejections - 35 USC § 101***

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. Claims 30-34 are rejected under 35 U.S.C. 101 because the disclosed invention is inoperative and therefore lacks utility. Claims 30-33 are a numeric code, which has no function. Claim 34 is rejected as being dependent upon claim 30.

10. Claims 30-33 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 30-33 are directed to a numeric code system, which is non-functional descriptive matter. Non-functional descriptive matter does not fall into the four categories of invention. Claim 34 is rejected as being dependent upon claim 30.

***Claim Rejections - 35 USC § 102***

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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12. Claims 21-27, 29-36, and 38-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Hancock et al. (US 6,295,502 B1).

13. In regard to claims 21 and 35, Hancock disclosed:

*assigning a unique location code to each of a plurality of points of interest, wherein each location code is comprised of a plurality of sub-strings of numbers, wherein each sub-string represents specific attributes of a represented point of interest, column 6, lines 20-22*

*wherein a first of said sub-strings of which a location code is comprised indicates one of a plurality of geographic areas, column 6, lines 20-44*

*wherein a second of said sub-strings of which a location code is comprised indicates one of a plurality of categories, column 6, lines 20-44, columns 7-8*

*wherein a third of said sub-strings of which a location code is comprised indicates one of a plurality of sub-categories of one of said plurality of categories, column 6, lines 20-44, columns 7-8*

*wherein a fourth of said sub-strings of which a location code is comprised uniquely indicates a point of interest of a type corresponding to one of the plurality of sub-categories of one of the plurality of categories located in one of the plurality of geographic areas; column 6, lines 20-44, columns 7-8*

*entering a location code into a device connected to a network, wherein the step of entering further comprises:*

*entering in sequence a number code corresponding to each of the sub-strings of which the location code is comprised, and column 10, lines 24-38, column 11, lines 9-37, columns 17-18*

*entering a delineating character following entry of the number code corresponding to each of said sub-strings; column 17, line 2*

*receiving the location code at a locator server connected to the network; and*

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*using a locator database associated with the location server to retrieve information about the point of interest associated with the location code entered into the device. Column 17, line 56 – column 18, line 7*

14. In regard to claim 22, Hancock disclosed:

*the geographic areas indicated by the first of said sub-strings of which a location code is comprised include major urban areas. Column 12, lines 63-67*

15. In regard to claim 23, Hancock disclosed:

*the geographic areas indicated by the first of said sub-strings of which a location code is comprised include travel destinations worldwide. Column 12, lines 50-55*

16. In regard to claim 24, Hancock disclosed:

*routing the information retrieved about the point of interest back to the device that entered the location code along a communication channel, wherein the communication channel is selected depending on the type of the device. Column 33, lines 50-64*

17. In regard to claim 25, Hancock disclosed:

*the location code entered into the device is read from a paper map. Column 17, line 45*

18. In regard to claim 26, Hancock disclosed:

*at least some location codes include a fifth sub-string, wherein the fifth sub-string indicates a specific travel club approval. Column 29, lines 28-53*

19. In regard to claim 27, Hancock disclosed:

*at least some location codes include a fifth sub-string, wherein the fifth sub-string indicates acceptance of a particular form of payment. Column 29, line 32*

20. In regard to claim 29, Hancock disclosed:

*the points of interest include restaurants, hotels, museums, theaters, retail stores, businesses, parks, ATMs, public telephones, bus stops and monuments. Column 29, lines 20-27*

21. The limitations of claim 30 are found in their entirety within the limitations of claim 21.

22. The limitations of claim 31 are substantially the same as the limitations of claim 26.

23. In regard to claim 32, Hancock disclosed:

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*said sub-strings are scalable.* Column 21 illustrates the data structures for the strings.

24. In regard to claim 33, Hancock disclosed:

*each of said sub-strings is not limited as to the number of digits.* Column 21 illustrates the data structures for the strings.

25. In regard to claim 34, Hancock disclosed:

*a locator database that associates each location code of a plurality of location codes with a corresponding point of interest;* column 28, lines 53-61

*a locator server associated with the locator database and from which the locator database is accessible.* Column 28, lines 53-61

26. The limitations of claim 35 are substantially the same as the limitations of claim 21.

27. The limitations of claim 36 are found within the limitations of claim 21.

28. The limitations of claim 38 are substantially the same as the limitations of claim 21.

29. The limitations of claim 39 are found within the limitations of claim 21.

30. The limitations of claim 40 are found within the limitations of claim 21.

31. The limitations of claim 41 are substantially the same as the limitations of claim 21.

***Claim Rejections - 35 USC § 103***

32. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

33. Claims 28 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hancock in view of Official Notice.

34. Hancock disclosed a "grid designator" for a specific location on a map consisting of sets of numbers separated by a period. Hancock failed to disclose the use of an asterisk. However, it would be obvious to one of ordinary skill in the art to use any symbol other than an alphanumeric character in the grid designations shown in column 16, line 14 (as an example) to separate the alphanumeric characters

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in the character string in order to allow a computer program to adequately parse the grid string into the correct substrings. Hancock illustrates the necessity of this function in column 21, lines 29-50, which specifically states that information is parsed from a character string. One of ordinary skill in the art is well aware that some uniform delimiting character must be present throughout a character string in order to parse a variable length string without concatenating the data within.

### **Conclusion**

35. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dussell et al. US 5,938,721

DeLorme et al. US 5,948,040

Dussell et al. US 6,266,612 B1

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571) 272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Jason Cardone  
Supervisory Patent Examiner



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JRS